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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 5396 of 2007

PETITIONER Chandrashekhar Shendre, S/o Late Shri Basant Shendre, Aged about 38 years, R/o Magarpatta City, Grebillea, B-203, Hadpsar, Poona (M.S.)

Versus

RESPONDENTS

1. The National Fertilizers Ltd., Through its Chief And Managing Director, Corporate Office, Noida, Distt. Gautam Budh Nagar (U.P.)
2. The National Fertilizers Ltd.- Through its Chief Manager, State Office, Greficon Arcade, Flat No.203, 2nd Floor, Opp. Jahangir Hospital, D.P. Road, Poona (M.S.)
3. State of Chhattisgarh – Through its Secretary, Scheduled Caste/Scheduled Tribe Welfare, Mantralaya, Dau Kalyan Singh Bhavan, Raipur (C.G.)
4. The Collector, Bilaspur, District Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri P. Diwakar, Sr. Advocate with Shri P.K. Bhaduri, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State, on advance copy.

ORAL ORDER
(18.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

Learned counsel for the petitioner submits that the petitioner is posted as Assistant Manager (F & A) in National Fertilizers Ltd., Pune. He has been served with a memorandum dated 30.04.2007 (Annexure P/1) containing that at the time of his appointment in N.F.L., he had declared that he belongs to "Halba" Community of M.P. State, which has been recognized as Scheduled Tribe by the Government of India and he had submitted a caste certificate issued by the Tehsildar, Bilaspur, M.P. (Now C.G.) in this regard. It further contains that the caste certificate submitted by the petitioner was got verified by the concerned District Authorities and the Sub-Divisional

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Officer, Bilaspur (C.G.) has informed that the said caste certificate has not been issued from the office of the Tehsildar. Accordingly, it has been stated that the petitioner submitted a fake caste certificate for obtaining employment in N.F.L. Learned counsel submits that containing all this, it has been advised in the aforesaid memorandum to the petitioner to give a reply within 15 days from the date of receipt of the memorandum as to why disciplinary action should not be initiated against him on account of above. His further submission is that the caste certificate is a correct certificate and the allegation that the same is a fake certificate is not correct. He submits that the petitioner was initially appointed in the year 1994 and such a belated action on the part of the employer is also not in accordance with law.

I have gone through the contents of the memorandum (Annexure P/1)

Admittedly, according to the said memorandum, the Department has said to the petitioner to file a reply in relation to the question of caste certificate raised by them and the matter is at the stage of issuance of notice. At this stage, generally interference is not required by a Court of law, unless it is shown that the concerned authority has no jurisdiction to issue a notice or the same does not meet the ingredients of law.

Learned counsel for the petitioner could not point out either that the concerned authority has no jurisdiction to issue such a notice or that the notice in any manner does not meet the ingredients of law or the rules applicable in the case of the petitioner. Moreover, the matter is at the preliminary stage and at this stage, interference would not be a proper exercise of jurisdiction by this Court.

For the reasons stated above, I am not inclined to interfere in this petition at this stage.

The petition has no merit and the same is dismissed.

However, the petitioner shall be free to file his reply and satisfy the concerned authority regarding the genuineness of the caste certificate produced by him at the time of his initial appointment.

Sd/-
Sunil Kumar Sinha
Judge